

Dear FCC:

The Kentucky Airport Zoning Commission (KAZC) was established in 1960 by the Kentucky General Assembly to promote public interest and to protect and encourage the proper use of airports located in the Commonwealth of Kentucky. The Commonwealth of Kentucky has a valid interest and obligation in promoting public health, public safety and general welfare for its citizens and residents. This important issue has been manifested in the KAZC as it pertains to the safety of the navigable air space and the land use within and surrounding public use and military airports in Kentucky.

In order for the KAZC to fulfill this mandate, it has been granted zoning jurisdiction over the air space over and around the public use and military airports located within the Commonwealth. Any owner or person who has control over a structure which will penetrate this air space is required to apply for a permit issued by the KAZC. The KAZC holds its meetings every other month where it considers and acts on all filed permit applications. At every KAZC meeting, several of the permit applications pertain either to construction of a new cellular telephone tower or an increase in height to an existing cellular telephone tower. There are occasions where the KAZC will elect to defer a certain permit application in order to request additional information from the applicant, or to wait for the determination by the Federal Aviation Administration of the impact that the proposed structure would have on affected airports. CTIA's Petition for Declaratory Ruling would act as a time limit placed on the KAZC's review of proposed structures or proposed altered structures within its jurisdiction.

KAZC has a responsibility and duty to the citizens and residents of Kentucky, and to all those using the navigable air space above Kentucky, to protect that air space. To allow applications for cellular telephone tower sitings to be automatically granted if not resolved within 45 to 75 days would seriously and dramatically undermine this very important function of the KAZC, and is the reason that KAZC strenuously opposes any such effort by the cellular telephone industry.

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